



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/802,049	03/17/2004	Frampton E. Ellis	313449-P0004	1713
47604	7590	07/03/2008		
DLA PIPER US LLP P. O. BOX 9271 RESTON, VA 20195			EXAMINER LOUIE, OSCAR A	
			ART UNIT 2136	PAPER NUMBER
			MAIL DATE 07/03/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

DETAILED ACTION

This final action is in response to the amendment filed on 03/17/2008. In light of the applicant's amendments, the examiner hereby withdraws his previous Claim Objection with respect to Claim 54 and 35 U.S.C. 112 2nd paragraph rejection with respect to Claims 4, 76, & 77. The examiner acknowledges the cancellation of Claims 23, 62, 75, & 78. Claims 1-22, 24-61, 63-74, 76-77, & 79-86 are pending and have been considered as follows.

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1, 80, & 82 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. US-6725250-B1 or claim 1 of U.S. Patent No. US-7024449-B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because both patents recite limitations similar to “at least one microchip including at least one general purpose microprocessor with at least one control unit and at least two processing units on said at least one microchip” and “said at least one microchip including at least one inner firewall being configured to deny access to said at least one control unit from said at least one network” and “said at least one inner firewall being located between said at least one control unit and at least one of said at least two processing units” and “said at least two processing, units having at least one network connection to at least one network of computers” and “said at least one network of computers including at least the Internet” and “wherein the shared use comprises shared file resources and/or message passing” and “wherein the shared use includes unauthorized shared use, including intrusion by hackers from outside the personal computer.”

Although the two patents do not explicitly provide claims limitations for “at least one Faraday Cage surrounding at least one portion of said at least one microchip” and “at least one microchip including at least one general purpose microprocessor with at least one photovoltaic cell located on said at least one microchip,” they are obvious additions as indicated by the applicant in their specification on page 78 lines 4-7 and page 79 lines 19-24, which recite “Figure 27A shows a single microchip 200, combining a PC 90 microchip (or any microchip, including a special or general purpose microprocessor on a microchip, alone or including one or more other system components as previously described) and one or more photovoltaic cells 201,

Art Unit: 2136

that is substantially surrounded by a Faraday Cage 300, such as is well known in the art, that is optimized to shield against magnetic flux, including high frequency flux (and may include shielding against electric flux)” and “The PC 90 microchip as previously described, or a personal computer PC 1 (or any microchip, including a special or general purpose microprocessor on a microchip, alone or including one or more other system components as previously described) may include one or more photovoltaic cells 201, as are well known in the art.” In addition, the examiner makes note of Patent No. US-5357404-A (Bright et al.) which provides disclosure that the idea of EMI mitigation through shielding is well known in the art. The examiner also makes note of Patent No. US-5905429-A (Hornstein et al.) which provides disclosure for the idea of utilizing photovoltaic cells/solar cells for powering a microchip, despite the lack of explicit details regarding making the photovoltaic cell integral with the microchip by having it directly on the microchip itself. In regard to the making integral of the photovoltaic cell with the microchip, the examiner notes the following 2144.04 – B. Making Integral:

In re Larson, 340 F.2d 965, 968, 144 USPQ 347, 349 (CCPA 1965) (A claim to a fluid transporting vehicle was rejected as obvious over a prior art reference which differed from the prior art in claiming a brake drum integral with a clamping means, whereas the brake disc and clamp of the prior art comprise several parts rigidly secured together as a single unit. The court affirmed the rejection holding, among other reasons, “that the use of a one piece construction instead of the structure disclosed in [the prior art] would be merely a matter of obvious engineering choice.”); but see *Schenck v. Nortron Corp.*, 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983) (Claims were directed to a vibratory testing machine (a hard-bearing wheel balancer) comprising a holding structure, a base structure, and a supporting means which form “a single integral and gaplessly continuous piece.” Nortron argued that the invention is just making integral what had been made in four bolted pieces. The court found this argument unpersuasive and held that the claims were patentable because the prior art perceived a need for mechanisms to dampen resonance, whereas the inventor eliminated the need for dampening via the one-piece gapless support structure, showing insight that was contrary to the understandings and expectations of the art.)

Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

- Claim 1 lines 3 & 8-11 recite, “at least one control unit” and “at least two processing units,” however, the applicant's specification does not appear to provide support for these limitations;
 - o The examiner notes that the applicant’s Specification does provide recitation for a “control device” and “control means” and “master microprocessor/processing unit” and “slave microprocessor/processing unit”;
- Claim 2 line 3 recites, “a number of independent components,” however, the applicant's specification does not appear to provide support for this limitation;
- Claim 10 lines 7 & 11 recite, “at least one control unit” and “at least two processing units,” however, the applicant's specification does not appear to provide support for these limitations;
- Claims 45-47 lines 2 & 3 recite, “at least two independent components” and “each component,” however, the applicant's specification does not appear to provide support for these limitations;
- Claim 81 lines 2 & 4-7 recite, “at least one control unit” and “at least two processing units,” however, the applicant's specification does not appear to provide support for these limitations;

- The examiner notes that the applicant's Specification does provide recitation for a "control device" and "control means" and "master microprocessor/processing unit" and "slave microprocessor/processing unit";
- Claim 83 lines 5-7 recite, "at least one control unit" and "at least two processing units," however, the applicant's specification does not appear to provide support for these limitations;
- The examiner notes that the applicant's Specification does provide recitation for a "control device" and "control means" and "master microprocessor/processing unit" and "slave microprocessor/processing unit";

Claim Objections

4. Claims 5 & 6 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

- Claims 5 & 6 recite, "wherein said at least one microchip is at least partly surrounded by said at least one Faraday Cage" and "wherein said at least one microchip is surrounded by said at least one Faraday Cage," however, Claim 1 from which they depend, already provides limitation for, "at least one Faraday Cage surrounding at least one portion of said at least one microchip," wherein "one portion" includes the interpretation of "partly" or the entire microchip;

Art Unit: 2136

5. Claims 8, 9, 51, 59, 60, 69, 81, 83 are objected to because of the following informalities:

- Claim 8 line 2 recites the term, “for” which should be “...to...”;
- Claim 9 line 2 recites the term, “for” which should be “...to...”;
- Claim 9 line 3 recites the term, “connecting” which should be “...connection...”;
- Claim 51 line 3 recites the term, “component” which should be “...components...”;
- Claim 59 line 3 recites the acronym, “BIOS” which should be “...Basic Input Output System (BIOS)...”;
- Claims 60, 65, 66, 68-70 lines 1-3 recite, “at least said memory of said at least two hardware components” which appears to be a typographical error and should be “...said second of said at least two memory hardware components...”;
- Claim 69 line 2 recites the term, “component” which should be “...components...”;
- Claim 81 lines 3, 5, & 7 recite the term, “being” which should be omitted;
- Claim 83 lines 5-7 recite the term, “being” which should be omitted;

Appropriate correction is required.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

7. Claims 1, 2, 45-47, 81, & 83 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which

Art Unit: 2136

was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

- Claim 1 lines 3 & 8-11 recite, “at least one control unit” and “at least two processing units,” however, the applicant's specification does not appear to provide support for these limitations and are considered new matter;
- Claim 2 line 3 recites, “at least a number of independent components,” however, the applicant's specification does not appear to provide support for this limitation;
- Claims 45-47 lines 2 & 3 recite, “at least two independent components” and “each component,” however, the applicant's specification does not appear to provide support for these limitations;
- Claim 81 lines 2 & 4-7 recite, “at least one control unit” and “at least two processing units,” however, the applicant's specification does not appear to provide support for these limitations and are considered new matter;
- Claim 83 lines 5-7 recite, “at least one control unit” and “at least two processing units,” however, the applicant's specification does not appear to provide support for these limitations and are considered new matter;

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1, 2, 10, 31, 32, 45-47, 60, 65, 66, 68-70, 74, 81, 83, & 84 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 2136

- Claim 1 lines 3 & 7-11 recite “at least one control unit” and “at least two processing units,” however, it is unclear as to whether the “control unit” is a “control device” or “control means” as recited by the applicant’s specification; in addition, it appears that there are only ever a “master processing unit” and a “slave processing unit,” and not more than two “processing units,” assuming these are the “processing units” and “control units” that the applicant is referring to;
- Claim 2 line 3 recites, “at least a number of independent components,” however, it is unclear as to which “components” the applicant is referring to;
- Claim 10 lines 7 & 11 recite “at least one control unit” and “at least two processing units,” however, it is unclear as to whether the “control unit” is a “control device” or “control means” as recited by the applicant’s specification; in addition, it appears that there are only ever a “master processing unit” and a “slave processing unit,” and not more than two “processing units,” assuming these are the “processing units” and “control units” that the applicant is referring to;
- Claims 45 & 46 lines 2 & 3 recite, “at least two independent components” and “each component,” however, it is unclear as to which components the applicant is referring to;
- Claim 74 line 2 recites, “at least one controller component,” however, it is unclear as to which controller and which component the applicant is referring to;
- Claim 81 lines 2 & 4-7 recite “at least one control unit” and “at least two processing units,” however, it is unclear as to whether the “control unit” is a “control device” or “control means” as recited by the applicant’s specification; in addition, it appears that there are only ever a “master processing unit” and a “slave processing unit,” and not more

Art Unit: 2136

than two “processing units,” assuming these are the “processing units” and “control units” that the applicant is referring to;

- Claim 83 lines 5-7 recite “at least one control unit” and “at least two processing units,” however, it is unclear as to whether the “control unit” is a “control device” or “control means” as recited by the applicant’s specification; in addition, it appears that there are only ever a “master processing unit” and a “slave processing unit,” and not more than two “processing units,” assuming these are the “processing units” and “control units” that the applicant is referring to;
- Claim 84 line 3 recites the term, “being” which should be omitted;

10. Claims 60, 65, 66, 68-70 recite the limitation “at least said memory of said at least two hardware components” in lines 1-3. There is insufficient antecedent basis for this limitation in the claims.

11. The phrase “a number of” in claim 2 line 3 is a relative phrase which renders the claim indefinite. The phrase “a number of” is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

12. The phrases “at least a minimum” and “greater than” and “at least a peek” in claims 31 & 32 lines 3 & 4 are relative phrases which renders the claims indefinite. The phrases “at least a minimum” and “greater than” and “at least a peek” are not defined by the claim, the specification

Art Unit: 2136

does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

13. Claims 3-9, 11-22, 24-30, 33-44, 48-59, 61-64, 67, 71-73, 76-79, 85, & 86 are rejected based on their dependency on claims rejected under nonstatutory obvious-type double patenting and 35 U.S.C. 112 1st and 2nd paragraphs as recited above.

Response to Arguments

14. Applicant's arguments with respect to claims 1-22, 24-61, 63-74, 76-77, & 79-86 have been considered but are moot in view of the new ground(s) of rejection as necessitated by the applicant's amendments.

Conclusion

15. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Oscar Louie whose telephone number is 571-270-1684. The examiner can normally be reached Monday through Thursday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nasser Moazzami, can be reached at 571-272-4195. The fax phone number for Formal or Official faxes to Technology Center 2100 is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OAL
07/01/2008

/Nasser G Moazzami/
Supervisory Patent Examiner, Art Unit 2136